

R. Ernest Montanari, Esq. (SBN 152209)
Brenna Daugherty, Esq. (SBN 221415)
MUSACCHIO & MONTANARI, P.C.
1280 Civic Drive, Suite 200
Walnut Creek, California 94596
Telephone: (925) 465-3950
Facsimile: (925) 465-3951
Email: emontanari@mmlawpc.com; bdaugherty@mmlawpc.com

Attorneys for Cross-Defendant, Federal Deposit Insurance Corporation
as Receiver for United Commercial Bank

**FDIC EXEMPT FROM COURT
FILING FEES [12USC § 1825(b)(3)]**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FIRST AMERICAN TITLE INSURANCE
COMPANY, a California Corporation,

Plaintiff,

vs.

CYNTHIA THUY VU aka THUY VU, an
individual; and DOES 1 through 10, inclusive,

Defendants.

CYNTHIA VU,

Cross-Complainant,

vs.

FEDERAL DEPOSIT INSURANCE
CORPORATION as RECEIVER FOR UNITED
COMMERCIAL BANK, FINANCIAL TITLE
COMPANY, FIDELITY NATIONAL TITLE
COMPANY, PL & AL HOLDINGS, a
California corporation, U.F. SERVICE
CORPORATION, and ROES 1-10, inclusive,

Cross-Defendants.

Case No.: C11-00063 EDL

Alameda Superior Court Case No.:
RG10522409

**STIPULATION OF COUNSEL TO
CONTINUE MOTIONS TO DISMISS
CROSS-COMPLAINTS OF CYNTHIA
VU AND PL & AL HOLDINGS, INC.
A CALIFORNIA CORPORATION**

(FRCP 12(b)(1) and 12(b)(6))

DATE: March 15, 2011

TIME: 9:00 a.m.

**DEPT.: E – The Honorable
Elizabeth D. Laporte**

PL & AL HOLDINGS, a California Corporation,

 Cross-Complainant,

 vs.

 FEDERAL DEPOSIT INSURANCE
 CORPORATION as RECEIVER FOR UNITED
 COMMERCIAL BANK; DOES 1 through 10,
 inclusive,

 Cross-Defendants.

TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

COMES NOW the Parties to this action by and through their respective counsel of record hereby stipulate as follows:

WHEREAS Cross-Defendant, Federal Deposit Insurance Corporation as Receiver for United Commercial Bank (hereinafter referred to as "FDIC-R for UCB") is represented by Brenna Daugherty, Esq. of the Law Offices of Musacchio & Montanari, P.C.

WHEREAS, Defendant/Cross-Complainant, Cynthia Thuy Vu is represented by David Beck, Esq. of the Law Offices of Beck and Mathiesen.

WHEREAS, Defendant/Cross-Complainant, PL & AL Holdings, Inc., a California Corporation is represented by Richard B. Somers, Esq. of the Law Offices of Somers & Somers, LLP.

WHEREAS the following hearing dates are currently set in this action:

COURT DATE	MATTER
March 15, 2011 at 9:00 a.m., Dept. E	FDIC-R for UCB's Motion to Dismiss Cynthia Vu's Cross-Complaint
March 15, 2011 at 9:00 a.m., Dept. E	FDIC-R for UCB's Motion to Dismiss PL & AL Holdings, a California Corporation's Cross-Complaint

1 **WHEREAS**, the undersigned Parties in this matter have agreed to continue the currently
2 scheduled hearings set forth above for the following reasons:

3 1) The undersigned parties are in the process of negotiating and finalizing a
4 settlement agreement that would result in the dismissal of all Cross-Complaints and a request
5 for remand to State court; and

6 2) David Beck, Esq., legal counsel for Cross-Complainant Cynthia Thuy Vu has
7 been out of State and will not return in time to prepare an opposition, if any, to the FDIC-R for
8 UCB's pending Motion to Dismiss which is currently due to the Court no later than February
9 22, 2011.

10 **NOW THEREFORE**, it is hereby stipulated by and between the undersigned Parties as
11 follows:

12 The hearings scheduled to occur on March 15, 2011 shall be continued to April 14, 2011
13 at 9:00 a.m. in Dept. E of the above-entitled Court, or to such date and time thereafter as shall
14 be ordered by the Court.

15 **IT IS SO STIPULATED:**

16 Dated: February 17, 2011

MUSACCHIO & MONTANARI, PC.

17
18 By: Brenna Daugherty
19 R. Ernest Montanari, Esq.; Brenna Daugherty, Esq.
Attorneys for Cross-Defendant, FDIC-R for UCB

20 Dated: February 16, 2011

SOMERS & SOMERS, LLP

21
22 By: Richard B. Somers
23 Richard B. Somers, Esq.
24 Attorney for Cross-Defendant/Cross-Complainant,
PL & AL Holdings, a California Corporation

25 Dated: February __, 2011

BECK AND MATHIESEN

26
27 By: _____
28 David Beck, Esq.; Pamela Mathiesen, Esq.
Attorney for Defendant/Cross-Complainant
Cynthia Thuy Vu

1 **WHEREAS**, the undersigned Parties in this matter have agreed to continue the currently
2 scheduled hearings set forth above for the following reasons:

3 1) The undersigned parties are in the process of negotiating and finalizing a
4 settlement agreement that would result in the dismissal of all Cross-Complaints and a request
5 for remand to State court; and

6 2) David Beck, Esq., legal counsel for Cross-Complainant Cynthia Thuy Vu has
7 been out of State and will not return in time to prepare an opposition, if any, to the FDIC-R for
8 UCB's pending Motion to Dismiss which is currently due to the Court no later than February
9 22, 2011.

10 **NOW THEREFORE**, it is hereby stipulated by and between the undersigned Parties as
11 follows:

12 The hearings scheduled to occur on March 15, 2011 shall be continued to April 14, 2011
13 at 9:00 a.m. in Dept. E of the above-entitled Court, or to such date and time thereafter as shall
14 be ordered by the Court.

15 **IT IS SO STIPULATED:**

16 Dated: February ____, 2011

MUSACCHIO & MONTANARI, PC.

17
18 By: _____
19 R. Ernest Montanari, Esq.; Brenna Daugherty, Esq.
Attorneys for Cross-Defendant, FDIC-R for UCB

20 Dated: February ____, 2011

SOMERS & SOMERS, LLP

21
22 By: _____
23 Richard B. Somers, Esq.
24 Attorney for Cross-Defendant/Cross-Complainant,
PL & AL Holdings, a California Corporation

25 Dated: February 17, 2011

BECK AND MATHIESEN

26
27 By: Pamela C. Mathiesen
28 David Beck, Esq.; Pamela Mathiesen, Esq.
Attorney for Defendant/Cross-Complainant
Cynthia Thuy Vu

ORDER

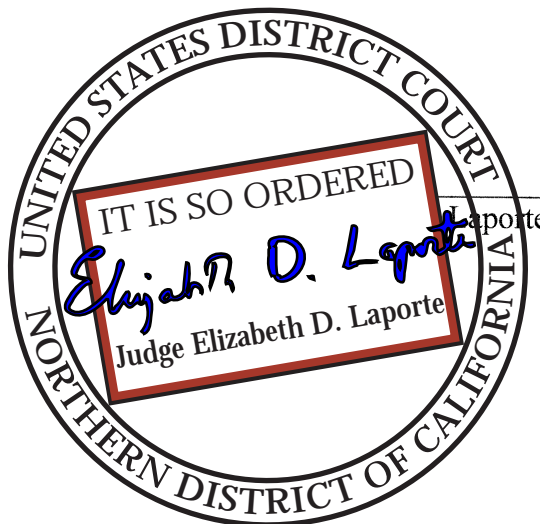
The Court having considered the Stipulation to continue the hearing date filed herein and signed by all parties to this action, and for good cause appearing, therefore:

IT IS HEREBY ORDERED that the following hearings currently scheduled and outlined as follows:

COURT DATE	MATTER
March 15, 2011 at 9:00 a.m., Dept. E	FDIC-R for UCB's Motion to Dismiss Cynthia Vu's Cross-Complaint
March 15, 2011 at 9:00 a.m., Dept. E	FDIC-R for UCB's Motion to Dismiss PL & AL Holdings, a California Corporation's Cross-Complaint

shall be and hereby are continued to April 19, 2011 at 09:00 a.m. in Dept. E of the above-entitled Court.

Dated: February 18, 2011



PROOF OF SERVICE

First American Title Insurance Company v. Cynthia Thuy Vu, et al.
Northern District of California (San Francisco Division) Case No.: C 11-00063 EDL

I, the undersigned, hereby certify that I am a citizen of the United States and over the age of eighteen; I work in the County of Contra Costa, California, in which County the within mailing took place; and I am not a party to the subject case. My business address is MUSACCHIO & MONTANARI, P.C. 1280 Civic Drive, Suite 200, Walnut Creek, California 94596.

I am familiar with the practice of this law firm for the collection and processing of documents for mailing with the United States Postal Service, that the documents would be deposited with the United States Postal Service that same day in the ordinary course of business. On February 17, 2011, I placed the within:

• **STIPULATION OF COUNSEL TO CONTINUE MOTIONS TO DISMISS
CROSS-COMPLAINTS OF CYNTHIA VU AND PL & AL HOLDINGS, INC. A
CALIFORNIA CORPORATION**

in an envelope(s) sealed, with postage thereon fully prepaid, and following the ordinary business practices of this law firm, placed said envelope(s) for collection and mailing to the parties to the within action, at Walnut Creek, California, addressed as follows:

***** SEE ATTACHED SERVICE LIST *****

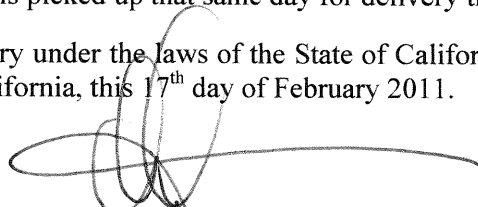
[XX] (BY FIRST CLASS MAIL) By placing said envelope(s), with postage thereon fully prepaid for first-class mail, for collection and mailing at my place of business following ordinary business practice. I am readily familiar with the ordinary business practice for the collection and processing of mail. In the ordinary course of business, mail is deposited with the United States Postal Service on the same day as it is placed for collection.

[XX] (BY ELECTRONIC MAIL) By electronically transmitting the attached document(s) to the Clerk's office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the above-listed CM/ECF registrants.

[] (BY FACSIMILE TRANSMISSION) By causing said document(s) to be transmitted by facsimile machine to the number indicated for each party.

[] (BY OVERNIGHT DELIVERY) on the following party(ies) in said action, in accordance with CCP §1013(c), by placing a true copy thereof enclosed in a sealed envelope, with delivery fees paid or provided for, in a designated area of outgoing overnight mail, addressed as set forth below. In the ordinary course of business mail, placed in that designated area and is picked up that same day for delivery the following business day.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Walnut Creek, California, this 17th day of February 2011.



Madelaine Galanza Wellon

SERVICE LIST

First American Title Insurance Company v. Cynthia Thuy Vu, et al.
Northern District of California (San Francisco Division) Case No.: C 11-00063 EDL

W. Dean Cloud, Esq. *Counsel for Plaintiff, First American*
FIRST AMERICAN TITLE INSURANCE COMPANY *Title Insurance Company*
520 North Central Avenue
Glendale, California 91203
Telephone: 818.242.5800
Facsimile: 818.507.1529
Email: dcloud@firstam.com

Richard B. Somers, Esq. *Counsel for PL & AL Holdings, a*
SOMERS & SOMERS, LLP *California Corporation*
4640 Admiralty Way, Suite 417
Marina Del Rey, California 90292
Telephone: 310.306.4000
Facsimile: 310.306.4300
Email: rbsomers@somerslegal.com

William Lee, Esq. *Counsel for Fidelity National Title*
FIDELITY NATIONAL LAW GROUP *Company*
100 North Wiget Lane, Suite 150
Walnut Creek, California 94598
Telephone: 925.930.0550
Facsimile: 925.930.9588
Email: william.lee@fnf.com

David Beck, Esq. *Counsel for Cynthia Thuy Vu*
BECK AND MATHIESEN
700 Frederick Street, Suite 306
Santa Cruz, California 95062
Telephone: 831.429.0181
Facsimile: 831. 429.5617
Email: beckandmathiesen@calcentral.com

C. Darrell Sooy, Esq.; Daniel C. Zamora *Counsel for U.F. Service Corporation*
TOBIN & TOBIN
500 Sansome Street, 8th Floor
San Francisco, California 94111-3214
Telephone: 415.433.1400
Facsimile: 415.433.3883
Email: dsooy@tobinlaw.com; dzamora@tobinlaw.com